

House File 2531

S-5360

1 Amend House File 2531, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 6, by striking <and area education
4 agency>
5 2. Page 6, after line 29 by inserting:
6 <Sec. _____. Section 257.35, subsection 5, Code
7 Supplement 2009, is amended to read as follows:
8 5. Notwithstanding subsection 1, and in addition to
9 the reduction applicable pursuant to subsection 2, the
10 state aid for area education agencies and the portion
11 of the combined district cost calculated for these
12 agencies for each fiscal year of the fiscal period
13 beginning July 1, 2008, and ending June 30, ~~2010~~ 2011,
14 shall be reduced by the department of management by two
15 million five hundred thousand dollars. The reduction
16 for each area education agency for each fiscal year of
17 the fiscal period beginning July 1, 2008, and ending
18 June 30, ~~2010~~ 2011, shall be prorated based on the
19 reduction that the agency received in the fiscal year
20 beginning July 1, 2003.>
21 3. Page 10, line 20, by striking <may> and
22 inserting <shall not>
23 4. Page 13, line 21, after <officer,> by inserting
24 <state debt coordinator,>
25 5. Page 28, after line 7 by inserting:
26 <Sec. _____. 2010 Iowa Acts, Senate File 2366,
27 section 16, if enacted, is amended to read as follows:
28 SEC. 16. EFFECTIVE DATE — APPLICABILITY. ~~This~~
29 ~~section~~ The sections of this division of this Act
30 providing for transfers involving the college student
31 aid commission and the department of inspections and
32 appeals are retroactively applicable to December 14,
33 2009, and apply in lieu of the transfers made for the
34 same purposes by the executive branch, as reported by
35 the department of management in the transfer notices
36 dated December 14, 2009.>
37 6. Page 29, after line 30 by inserting:
38 <_____. The section of this division of this Act
39 amending 2010 Iowa Acts, Senate File 2366, section 16.>
40 7. Page 30, after line 8 by inserting:
41 <Sec. _____. DEPARTMENT OF CULTURAL AFFAIRS —
42 MERCHANT MARINE BONUS FUND. There is appropriated
43 from the merchant marine bonus fund of the state to
44 the department of cultural affairs for the fiscal year
45 beginning July 1, 2010, and ending June 30, 2011, any
46 moneys remaining in the fund after the appropriation
47 made pursuant to 2010 Iowa Acts, House File 2526,
48 to be used for any costs relating to a study of the
49 U.S.S. Iowa and for departmental salaries, support,
50 maintenance, and miscellaneous purposes.

1 Notwithstanding section 8.33, moneys appropriated in
2 this section that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert but
4 shall remain available for expenditure for the purposes
5 designated until the close of the succeeding fiscal
6 year.>

7 8. Page 30, after line 8 by inserting:

8 <Sec. _____. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
9 STORAGE TANK FUND — APPROPRIATIONS. There is
10 appropriated from the Iowa comprehensive petroleum
11 underground storage tank fund created in section 455G.3
12 to the following departments and agencies for the
13 fiscal year beginning July 1, 2010, and ending June
14 30, 2011, the following amounts, or so much thereof as
15 is necessary, to be used for the purposes designated,
16 notwithstanding section 455G.3, subsection 1:

17 1. DEPARTMENT OF PUBLIC HEALTH — BOARD OF PHARMACY

18 a. For support of the Iowa pharmacy recovery
19 network:

20 \$ 100,000

21 b. For continuation of the pharmaceutical
22 collection and disposal pilot program established
23 pursuant to 2009 Iowa Acts, chapter 175, section 9:

24 \$ 150,000

25 2. DEPARTMENT OF ADMINISTRATIVE SERVICES

26 For costs associated with providing autism spectrum
27 disorders coverage pursuant to section 514C.26, as
28 enacted by this Act:

29 \$ 140,000

30 3. STATE BOARD OF REGENTS

31 a. For the state school for the deaf:

32 \$ 233,000

33 b. For Iowa braille and sight saving school:

34 \$ 137,000

35 4. DEPARTMENT OF EDUCATION — VOCATIONAL

36 REHABILITATION SERVICES DIVISION

37 For a program for farmers with disabilities:

38 \$ 97,000

39 The funds appropriated in this subsection shall
40 be used for the public purpose of providing a grant
41 to a national nonprofit organization with over 80
42 years of experience in assisting children and adults
43 with disabilities and special needs. The funds shall
44 be used for a nationally recognized program that
45 began in 1986 and has been replicated in at least 30
46 other states, but which is not available through any
47 other entity in this state, that provides assistance
48 to farmers with disabilities in all 99 counties to
49 allow the farmers to remain in their own homes and
50 be gainfully engaged in farming through provision

1 of agricultural worksite and home modification
2 consultations, peer support services, services to
3 families, information and referral, and equipment
4 loan services. Notwithstanding section 8.33, moneys
5 appropriated in this section that remain unencumbered
6 or unobligated at the close of the fiscal year shall
7 not revert but shall remain available for expenditure
8 for the purposes designated until the close of the
9 succeeding fiscal year.>

10 9. Page 30, after line 8 by inserting:

11 <Sec. _____. FISCAL YEAR 2009-2010 —

12 APPROPRIATIONS. There is appropriated from the
13 general fund of the state to the following departments
14 and agencies for the fiscal year beginning July 1,
15 2009, and ending June 30, 2010, the following amounts,
16 or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. DEPARTMENT OF MANAGEMENT

19 For salaries, support, maintenance, and
20 miscellaneous purposes:

21 \$ 200,000

22 2. DEPARTMENT OF REVENUE

23 For the duties of the office of the state debt
24 coordinator established in 2010 Iowa Acts, Senate
25 File 2383, if enacted, including salaries, support,
26 maintenance, services, advertising, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29 \$ 300,000

30 FTEs 3.00

31 For the period beginning on the effective date of
32 the section establishing the debt amnesty program in
33 2010 Iowa Acts, Senate File 2383, through November 30,
34 2010, or when the program is ended, whichever is later,
35 an amount of the proceeds collected by the program
36 equal to the administrative, advertising, and other
37 costs of the program shall be considered repayment
38 receipts, as defined in section 8.2, and shall be used
39 by the office of the state debt coordinator for those
40 costs.

41 Notwithstanding section 8.33, moneys appropriated in
42 this section that remain unencumbered or unobligated
43 at the close of the fiscal year shall not revert but
44 shall remain available for expenditure for the purposes
45 designated until the close of the succeeding fiscal
46 year.>

47 10. Page 30, after line 21 by inserting:

48 <Sec. _____. INSURANCE DIVISION. There is

49 appropriated from the department of commerce revolving
50 fund created in section 546.12 to the insurance

1 division of the department of commerce for the fiscal
2 year beginning July 1, 2010, and ending June 30,
3 2011, the following amount, or so much thereof as is
4 necessary, to be used for the purposes designated:
5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions:
8 \$ 55,000
9 FTEs 1.00>
10 11. Page 30, after line 33 by inserting:
11 <____. DEPARTMENT OF EDUCATION
12 a. To provide funding in addition to the amount
13 appropriated in 2010 Iowa Acts, Senate File 2376,
14 section 6, subsection 14, for allocation to eligible
15 school districts for the four-year-old preschool
16 program under chapter 256C:
17 \$ 4,000,000
18 b. For school districts to provide direct
19 services to the most at-risk senior high school
20 students enrolled in school districts through direct
21 intervention by a jobs for America's graduates
22 specialist:
23 \$ 540,000
24 _____. DEPARTMENT OF NATURAL RESOURCES
25 For operations, notwithstanding restrictions
26 otherwise applicable under 2010 Iowa Acts, House File
27 2525, relating to private buildings, if enacted:
28 \$ 300,000
29 _____. DEPARTMENT OF HUMAN SERVICES
30 For funding of shelter care in addition to the
31 amount allocated for this purpose in the appropriation
32 for child and family services in 2010 Iowa Acts, House
33 File 2526, if enacted:
34 \$ 500,000
35 _____. OFFICE OF ENERGY INDEPENDENCE
36 For deposit in the Iowa power fund:
37 \$ 2,000,000>
38 12. Page 31, line 18, after <agreement> by
39 inserting <executed on or before December 31, 2011>
40 13. Page 31, line 22, after <subsection 8,> by
41 inserting <for its facilities described in section
42 327F.2 governed by the written agreement>
43 14. Page 32, after line 14 by inserting:
44 <Sec. _____. INSTRUCTIONAL SUPPORT INCOME
45 SURTAX. For the budget year beginning July 1, 2010,
46 and ending June 30, 2011, the board of directors
47 of a school district shall determine and notify the
48 department of management by May 1, 2010, whether the
49 district will use the instructional support income
50 surtax to replace that portion of the instructional

1 support state aid appropriation shortfall for the
2 budget year beginning July 1, 2009. The amount of the
3 instructional support income surtax imposed pursuant
4 to this section shall not exceed the district's
5 proportional share of \$13,103,950 appropriation
6 shortfall. The income surtax rate imposed under
7 this section shall be expressed as a percentage and,
8 notwithstanding section 257.19, may be rounded to
9 the nearest thousandths. Notwithstanding the income
10 surtax percentage rate limitation in section 257.19 and
11 section 298.14, the income surtax rate imposed under
12 this section may exceed twenty percent if necessary to
13 raise the district's proportional share of \$13,103,950.
14 Revenue from the instructional support income surtax
15 imposed pursuant to this section shall be in addition
16 to any appropriation made in section 257.20.>

17 15. Page 32, after line 14 by inserting:

18 <Sec. _____. PUBLIC LIBRARY SUPPORT LEVY — ELECTION
19 DATE.

20 1. Notwithstanding the election date required under
21 section 384.12, subsections 1 and 21, a city may submit
22 a proposition relating to a public library property
23 tax levy to the electorate on a date specified in
24 section 39.2, subsection 4, paragraph "b", if all of
25 the following conditions are met:

26 a. The city is located in whole or in part in an
27 area that the governor proclaimed a disaster emergency
28 or the president of the United States declared a major
29 disaster, as the result of a natural disaster occurring
30 during the period of time beginning May 1, 2008, and
31 ending August 1, 2008.

32 b. The city contains a public library that was
33 damaged by the natural disaster described in paragraph
34 "a".

35 2. An election under subsection 1 shall be held not
36 later than August 2, 2011.>

37 16. Page 32, after line 27 by inserting:

38 <Sec. _____. LIMITED LIABILITY COMPANIES — BIENNIAL
39 REPORTS.

40 1. The biennial report fee, as determined by
41 the secretary of state in accordance with section
42 490A.1320, subsection 1, received for reports filed
43 on or after July 1, 2006, shall be credited to the
44 general fund of the state. The biennial report fee
45 shall be due at the time the report is filed. On or
46 after July 1, 2006, such biennial reports shall be
47 due in even-numbered calendar years during the period
48 beginning January 1, and ending April 1, and shall
49 contain information relating to the two-year period
50 immediately preceding the calendar year in which the

1 report is filed.

2 2. a. This section, being deemed of immediate
3 importance, takes effect upon enactment and applies
4 retroactively to July 1, 2006.

5 b. A limited liability company that has not filed
6 the biennial report for 2008 or 2010 shall file such
7 report on or before June 30, 2010.>

8 17. Page 38, after line 11 by inserting:

9 <Sec. _____. Section 123.30, subsection 3, paragraph
10 e, subparagraph (1), Code Supplement 2009, is amended
11 to read as follows:

12 (1) A class "E" liquor control license may be
13 issued and shall authorize the holder to purchase
14 alcoholic liquor from the division only and high
15 alcoholic content beer from a class "AA" beer permittee
16 only and to sell the alcoholic liquor and high
17 alcoholic content beer to patrons for consumption
18 off the licensed premises and to other liquor control
19 licensees. A class "E" license shall not be issued
20 to premises at which gasoline is sold. A holder of
21 a class "E" liquor control license may hold other
22 retail liquor control licenses or retail wine or beer
23 permits, but the premises licensed under a class "E"
24 liquor control license shall be separate from other
25 licensed premises, though the separate premises may
26 have a common entrance. However, the holder of a class
27 "E" liquor control license may also hold a class "B"
28 wine or class "C" beer permit or both for the premises
29 licensed under a class "E" liquor control license.>

30 18. By striking page 39, line 33, through page 40,
31 line 29.

32 19. Page 40, after line 29 by inserting:

33 <Sec. _____. **NEW SECTION. 261D.4 Payment of dues.**

34 On an annual basis, the department of management
35 shall apportion the dues assessed for membership in the
36 midwestern higher education compact to various sectors
37 of education including the department of education, the
38 community college trustees, the Iowa association of
39 independent colleges and universities, and the state
40 board of regents. The apportionment shall be based on
41 actual savings achieved in the previous fiscal year
42 by each sector of education in a manner determined
43 by the department of management. The department of
44 management shall make payment on behalf of the state
45 to the midwestern higher education compact commission
46 and shall seek reimbursement from each sector of
47 education based on the apportionment determined by the
48 department.>

49 20. Page 40, after line 29 by inserting:

50 <Sec. _____. Section 321.482A, unnumbered paragraph

1 1, Code 2009, is amended to read as follows:

2 Notwithstanding section 321.482, a person who is
3 convicted of operating a motor vehicle in violation of
4 section 321.256, 321.257, section 321.275, subsection
5 4, section 321.297, 321.298, 321.299, 321.302, 321.303,
6 321.304, 321.305, 321.306, 321.307, 321.308, section
7 321.309, subsection 2, or section 321.311, 321.319,
8 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
9 321.324A, 321.327, 321.329, or 321.333 causing serious
10 injury to or the death of another person may be subject
11 to the following penalties in addition to the penalty
12 provided for a scheduled violation in section 805.8A or
13 any other penalty provided by law:>

14 21. Page 40, after line 29 by inserting:

15 <Sec. _____. Section 421.27, subsection 6, Code 2009,
16 is amended to read as follows:

17 6. *Improper receipt of refund or credit.* A person
18 who makes an erroneous application for refund or
19 credit shall be liable for any overpayment received
20 or tax liability reduced plus interest at the rate
21 in effect under section 421.7. In addition, a
22 person who willfully makes a false or frivolous
23 application for refund or credit with intent to evade
24 tax or with intent to receive a refund or credit
25 to which the person is not entitled is guilty of
26 a fraudulent practice and is liable for a penalty
27 equal to seventy-five percent of the refund or credit
28 being claimed. ~~Repayments~~ Payments, penalties, and
29 interest due under this subsection may be collected and
30 enforced in the same manner as the tax imposed.>

31 22. Page 40, after line 29 by inserting:

32 <Sec. _____. Section 421C.3, subsection 15, if
33 enacted by 2010 Iowa Acts, Senate File 2383, is amended
34 to read as follows:

35 15. *a.* The director of revenue shall establish an
36 account and shall deposit in the account all receipts
37 received under the program established by the state
38 debt coordinator. Not later than the fifteenth day of
39 each month, the director shall deposit amounts received
40 with the treasurer of state for deposit in the general
41 fund of the state.

42 *b.* Of the amount of debt actually collected
43 pursuant to the program, the department of revenue
44 shall retain an amount, not to exceed the amount
45 collected, that is sufficient to pay for salaries,
46 support, maintenance, services, advertising, and other
47 costs incurred by the coordinator relating to the
48 program. Revenues retained by the office pursuant to
49 this lettered paragraph shall be considered repayment
50 receipts as defined in section 8.2.>

23. Page 42, after line 5 by inserting:
<Sec. _____. NEW SECTION. 514C.26 Autism spectrum disorders coverage.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group plan established pursuant to chapter 509A for employees of the state providing for third-party payment or prepayment of health, medical, and surgical coverage benefits shall provide coverage benefits to covered individuals under twenty-one years of age for the diagnostic assessment of autism spectrum disorders and for the treatment of autism spectrum disorders.

2. As used in this section, unless the context otherwise requires:

a. *"Applied behavioral analysis"* means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

b. *"Autism service provider"* means a person, entity, or group providing treatment of autism spectrum disorders, pursuant to a treatment plan.

c. *"Autism spectrum disorders"* means any of the pervasive developmental disorders including autistic disorder, Asperger's disorder, and pervasive developmental disorders not otherwise specified. The commissioner, by rule, shall define *"autism spectrum disorders"* consistent with definitions provided in the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders, as such definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference.

d. *"Behavior specialist"* means an individual, certified by the board of medicine, who designs, implements, or evaluates a behavior modification intervention component of a treatment plan, including those based on applied behavioral analysis, to produce socially significant improvements in human behavior or to prevent loss of attained skill or function, through skill acquisition and the reduction of problematic behavior.

e. *"Diagnostic assessment of autism spectrum disorders"* means medically necessary assessment, evaluations, or tests performed by a licensed physician, licensed physician assistant, licensed psychologist, or licensed registered nurse practitioner

1 to diagnose whether an individual has an autism
2 spectrum disorder.

3 *f. "Pharmacy care"* means medications prescribed by
4 a licensed physician, licensed physician assistant,
5 or licensed registered nurse practitioner and any
6 assessment, evaluation, or test prescribed or ordered
7 by a licensed physician, licensed physician assistant,
8 or licensed registered nurse practitioner to determine
9 the need for or effectiveness of such medications.

10 *g. "Psychiatric care"* means direct or consultative
11 services provided by a licensed physician who
12 specializes in psychiatry.

13 *h. "Psychological care"* means direct or consultative
14 services provided by a licensed psychologist.

15 *i. "Rehabilitative care"* means professional services
16 and treatment programs, including applied behavioral
17 analysis, provided by an autism service provider to
18 produce socially significant improvement in human
19 behavior or to prevent loss of attained skill or
20 function.

21 *j. "Therapeutic care"* means services provided by
22 a licensed speech pathologist, licensed occupational
23 therapist, or licensed physical therapist.

24 *k. "Treatment of autism spectrum disorders"* means
25 treatment that is identified in a treatment plan and
26 includes medically necessary pharmacy care, psychiatric
27 care, psychological care, rehabilitative care, and
28 therapeutic care that is one of the following:

29 (1) Prescribed, ordered, or provided by a licensed
30 physician, licensed physician assistant, licensed
31 psychologist, licensed social worker, or licensed
32 registered nurse practitioner.

33 (2) Provided by an autism service provider.

34 (3) Provided by a person, entity, or group that
35 works under the direction of an autism service
36 provider.

37 *1. "Treatment plan"* means a plan for the treatment
38 of autism spectrum disorders developed by a licensed
39 physician or licensed psychologist pursuant to a
40 comprehensive evaluation or reevaluation performed
41 in a manner consistent with the most recent clinical
42 report or recommendations of the American academy of
43 pediatrics, as determined by the commissioner by rule.

44 3. Coverage is required pursuant to this section in
45 a maximum benefit amount of not more than thirty-six
46 thousand dollars per year but shall not be subject
47 to any limits on the number of visits to an autism
48 service provider for treatment of autism spectrum
49 disorders. Beginning in 2014, the commissioner
50 shall, on or before April 1 of each calendar year,

1 publish an adjustment to the maximum benefit required
2 equal to the percentage change in the United States
3 department of labor consumer price index for all urban
4 consumers in the preceding year, and the published
5 adjusted maximum benefit shall be applicable to group
6 policies, contracts, or plans subject to this section
7 that are issued or renewed on or after January 1 of
8 the following calendar year. Payments made under a
9 group plan subject to this section on behalf of a
10 covered individual for treatment of a health condition
11 unrelated to or distinguishable from the individual's
12 autism spectrum disorder shall not be applied toward
13 any maximum benefit established under this subsection.

14 4. Coverage required pursuant to this section shall
15 be subject to copayment, deductible, and coinsurance
16 provisions, and any other general exclusions or
17 limitations of a group plan to the same extent as other
18 medical or surgical services covered by the group plan.

19 5. Coverage required by this section shall be
20 provided in coordination with coverage required for the
21 treatment of autistic disorders pursuant to section
22 514C.22.

23 6. This section shall not be construed to limit
24 benefits which are otherwise available to an individual
25 under a group plan.

26 7. This section shall not be construed to require
27 coverage by a group plan of any service solely based on
28 inclusion of the service in an individualized education
29 program. Consistent with federal or state law and
30 upon consent of the parent or guardian of a covered
31 individual, the treatment of autism spectrum disorders
32 may be coordinated with any services included in an
33 individualized education program. However, coverage
34 for the treatment of autism spectrum disorders shall
35 not be contingent upon coordination of services with an
36 individualized education program.

37 8. This section shall not apply to accident-only,
38 specified disease, short-term hospital or medical,
39 hospital confinement indemnity, credit, dental, vision,
40 Medicare supplement, long-term care, basic hospital
41 and medical-surgical expense coverage as defined
42 by the commissioner, disability income insurance
43 coverage, coverage issued as a supplement to liability
44 insurance, workers' compensation or similar insurance,
45 or automobile medical payment insurance, or individual
46 accident and sickness policies issued to individuals or
47 to individual members of a member association.

48 9. A plan established pursuant to chapter 509A for
49 employees of the state may manage the benefits provided
50 through common methods including but not limited to

1 providing payment of benefits or providing care and
2 treatment under a capitated payment system, prospective
3 reimbursement rate system, utilization control system,
4 incentive system for the use of least restrictive and
5 costly levels of care, a preferred provider contract
6 limiting choice of specific providers, or any other
7 system, method, or organization designed to assure
8 services are medically necessary and clinically
9 appropriate.

10 10. An insurer may review a treatment plan for
11 treatment of autism spectrum disorders once every six
12 months, subject to its utilization review requirements,
13 including case management, concurrent review, and
14 other managed care provisions. A more or less frequent
15 review may be agreed upon by the insured and the
16 licensed physician or licensed psychologist developing
17 the treatment plan.

18 11. For the purposes of this section, the results
19 of a diagnostic assessment of autism spectrum disorder
20 shall be valid for a period of not less than twelve
21 months, unless a licensed physician or licensed
22 psychologist determines that a more frequent assessment
23 is necessary.

24 12. The board of medicine shall adopt rules
25 providing for the certification of behavior
26 specialists.

27 a. An applicant for a certificate as a behavior
28 specialist shall submit a written application on
29 forms provided by the board of medicine evidencing and
30 insuring that the applicant meets all of the following
31 requirements:

32 (1) Is of good moral character.

33 (2) Has received a master's or higher degree from
34 a board-approved, accredited college or university,
35 including a major course of study in school, clinical,
36 or counseling psychology, special education, social
37 work, speech therapy, occupational therapy, or another
38 related field.

39 (3) Has at least one year of experience involving
40 functional behavior assessments, including the
41 development and implementation of behavioral supports
42 or treatment plans.

43 (4) Has completed at least one thousand hours
44 in direct clinical experience with individuals with
45 behavioral challenges or at least one thousand hours
46 experience in a related field with individuals with
47 autism spectrum disorders.

48 (5) Has completed relevant training programs,
49 including professional ethics, autism-specific
50 training, assessments training, instructional

1 strategies and best practices, crisis intervention,
2 comorbidity and medications, family collaboration, and
3 addressing specific skill deficits training.

4 b. The board of medicine shall not issue a
5 certificate to an applicant who has been convicted of a
6 felony, of a controlled substance-related offense under
7 chapter 124 or of the laws of another jurisdiction
8 unless all of the following requirements have been met:

9 (1) At least ten years have elapsed from the date
10 of conviction of such an offense.

11 (2) The applicant satisfactorily demonstrates to
12 the board of medicine that the applicant has made
13 significant progress in personal rehabilitation since
14 the conviction such that certification of the applicant
15 would not be expected to create a substantial risk
16 of harm to the health and safety of patients or the
17 public, or a substantial risk of further criminal
18 violations.

19 (3) The applicant otherwise satisfies the
20 requirements of this subsection.

21 13. The commissioner shall adopt rules pursuant to
22 chapter 17A to implement and administer this section.

23 14. This section applies to plans established
24 pursuant to chapter 509A for employees of the state
25 that are delivered, issued for delivery, continued, or
26 renewed in this state on or after January 1, 2011.>

27 24. Page 42, after line 20 by inserting:

28 <Sec. _____. 2010 Iowa Acts, Senate File 2378,
29 section 15, if enacted, is amended to read as follows:

30 SEC. 15. GAMING ENFORCEMENT. There is appropriated
31 from the gaming enforcement revolving fund created in
32 section 80.43 to the department of public safety for
33 the fiscal year beginning July 1, 2010, and ending June
34 30, 2011, the following amount, or so much thereof as
35 is necessary, to be used for the purposes designated:

36 For any direct and indirect support costs for
37 agents and officers of the division of criminal
38 investigation's excursion gambling boat, gambling
39 structure, and racetrack enclosure enforcement
40 activities, including salaries, support, maintenance,
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:

43	\$	8,851,775
44		9,315,306
45	FTEs	115.00

46 However, for each additional license to conduct
47 gambling games on an excursion gambling boat, gambling
48 structure, or racetrack enclosure issued during the
49 period beginning July 1, 2009, through June 30, 2011,
50 there is appropriated from the gaming enforcement fund

1 to the department of public safety for the fiscal year
2 beginning July 1, 2010, and ending June 30, 2011, an
3 additional amount of not more than \$521,000 to be used
4 for not more than 6.00 additional full-time equivalent
5 positions.>

6 25. Page 42, after line 20 by inserting:
7 <Sec. _____. REPEAL. 2010 Iowa Acts, House File
8 2525, section 6, is repealed.>

9 26. Page 42, after line 25 by inserting:
10 <Sec. _____. EFFECTIVE UPON ENACTMENT. The provision
11 of this division of this Act appropriating moneys from
12 the general fund of the state to the department of
13 management and to the department of revenue for fiscal
14 year 2009-2010, being deemed of immediate importance,
15 takes effect upon enactment.>

16 27. Page 42, after line 25 by inserting:
17 <Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
18 APPLICABILITY. The provision of this division of this
19 Act amending section 123.30, subsection 3, paragraph
20 "e", subparagraph (1), being deemed of immediate
21 importance, takes effect upon enactment, and is
22 retroactively applicable to March 10, 2010.>

23 28. Page 42, after line 25 by inserting:
24 <Sec. _____. EFFECTIVE DATE. The provision of this
25 division of this Act amending section 421.3, if enacted
26 by 2010 Iowa Acts, Senate File 2383, takes effect on
27 the effective date of section 421C.3.>

28 29. Page 42, after line 25 by inserting:
29 <Sec. _____. EFFECTIVE UPON ENACTMENT. The
30 provision of this division of this Act relating to the
31 instructional support income surtax, being deemed of
32 immediate importance, takes effect upon enactment.>

33 30. By striking page 43, line 8, through page 44,
34 line 28.

35 31. Page 46, after line 5 by inserting:
36 <DIVISION ____
37 WINE ____
38 Section 1. Section 123.183, Code 2009, is amended
39 to read as follows:
40 **123.183 Wine gallonage tax and related funds.**
41 1. In addition to the annual permit fee to be paid
42 by each class "A" wine permittee, a wine gallonage tax
43 shall be levied and collected from each class "A" wine
44 permittee on all wine manufactured for sale and sold
45 in this state at wholesale and on all wine imported
46 into this state for sale at wholesale and sold in this
47 state at wholesale. A wine gallonage tax shall also
48 be levied and collected on the direct shipment of wine
49 pursuant to section 123.187. The rate of the wine
50 gallonage tax is one dollar and seventy-five cents for

1 each wine gallon. The same rate shall apply for the
2 fractional parts of a wine gallon. The wine gallonage
3 tax shall not be levied or collected on wine sold by
4 one class "A" wine permittee to another class "A" wine
5 permittee.

6 2. a. Revenue collected from the wine gallonage
7 tax on wine manufactured for sale and sold in this
8 state, and on wine subject to direct shipment as
9 provided in section 123.187 by a wine manufacturer
10 licensed or permitted pursuant to laws regulating
11 alcoholic beverages in this state, shall be deposited
12 in the wine gallonage tax fund as created in this
13 section.

14 b. A wine gallonage tax fund is created in the
15 office of the treasurer of state. Moneys deposited in
16 the fund are appropriated to the department of economic
17 development as provided in section 15E.117. Moneys in
18 the fund are not subject to section 8.33.

19 3. The revenue collected from the wine gallonage
20 tax on wine imported into this state for sale at
21 wholesale and sold in this state at wholesale, and on
22 wine subject to direct shipment as provided in section
23 123.187 by a wine manufacturer licensed or permitted
24 pursuant to laws regulating alcoholic beverages in
25 another state, shall be deposited in the beer and
26 liquor control fund created in section 123.53.

27 Sec. _____. Section 123.187, subsection 4, as enacted
28 by 2010 Iowa Acts, Senate File 2088, section 100, is
29 amended to read as follows:

30 4. a. In addition to the annual license fee,
31 a wine direct shipper licensee shall remit to the
32 division an amount equivalent to the wine gallonage
33 tax on wine subject to direct shipment at the rate
34 specified in section 123.183 for deposit as provided in
35 section 123.183, subsections 2 and 3. The amount shall
36 be remitted at the same time and in the same manner
37 as provided in section 123.184, and the ten percent
38 penalty specified therein shall be applicable.

39 b. Shipment of wine pursuant to this subsection
40 does not require a refund value for beverage container
41 control purposes under chapter 455C.>

42 32. Page 46, after line 5 by inserting:

43 <DIVISION _____

44 MEDICATION THERAPY MANAGEMENT

45 Sec. _____. MEDICATION THERAPY MANAGEMENT — PILOT

46 — REPEAL.

47 1. As used in this section unless the context
48 otherwise requires:

49 a. "Eligible employee" means an employee of the
50 state, with the exception of an employee of the state

1 board of regents or institutions under the state board
2 of regents, for whom group health plans are established
3 pursuant to chapter 509A providing for third-party
4 payment or prepayment for health or medical expenses.

5 b. "*Medication therapy management*" means a
6 systematic process performed by a licensed pharmacist,
7 designed to optimize therapeutic outcomes through
8 improved medication use and reduced risk of adverse
9 drug events, including all of the following services:

10 (1) A medication therapy review and in-person
11 consultation relating to all medications, vitamins, and
12 herbal supplements currently being taken by an eligible
13 individual.

14 (2) A medication action plan, subject to the
15 limitations specified in this section, communicated
16 to the individual and the individual's primary care
17 physician or other appropriate prescriber to address
18 safety issues, inconsistencies, duplicative therapy,
19 omissions, and medication costs. The medication action
20 plan may include recommendations to the prescriber for
21 changes in drug therapy.

22 (3) Documentation and follow-up to ensure
23 consistent levels of pharmacy services and positive
24 outcomes.

25 2. a. Prior to July 1, 2010, the department of
26 administrative services shall utilize a request for
27 proposals process to contract for the provision of
28 medication therapy management services beginning July
29 1, 2010, for eligible employees who meet any of the
30 following criteria:

31 (1) An individual who takes four or more
32 prescription drugs to treat or prevent two or more
33 chronic medical conditions.

34 (2) An individual with a prescription drug therapy
35 problem who is identified by the prescribing physician
36 or other appropriate prescriber, and referred to a
37 pharmacist for medication therapy management services.

38 (3) An individual who meets other criteria
39 established by the third-party payment provider
40 contract, policy, or plan.

41 b. The department of administrative services shall
42 utilize an advisory committee comprised of an equal
43 number of physicians and pharmacists to provide advice
44 and oversight regarding the request for proposals and
45 evaluation processes. The department shall appoint the
46 members of the advisory council based upon designees
47 of the Iowa pharmacy association, the Iowa medical
48 society, and the Iowa osteopathic medical association.

49 c. The contract shall require the company to
50 provide annual reports to the general assembly

1 detailing the costs, savings, estimated cost avoidance
2 and return on investment, and patient outcomes
3 related to the medication therapy management services
4 provided. The company shall guarantee demonstrated
5 annual savings, including any savings associated with
6 cost avoidance at least equal to the program's costs
7 with any shortfall amount refunded to the state. As
8 a proof of concept in the program for the period
9 beginning July 1, 2010, and ending June 30, 2011, the
10 company shall offer a dollar-for-dollar guarantee for
11 drug product costs savings alone. Prior to entering
12 into a contract with a company, the department and
13 the company shall agree on the terms, conditions,
14 and applicable measurement standards associated
15 with the demonstration of savings. The department
16 shall verify the demonstrated savings reported by
17 the company was performed in accordance with the
18 agreed upon measurement standards. The company shall
19 be prohibited from using the company's employees to
20 provide the medication therapy management services and
21 shall instead be required to contract with licensed
22 pharmacies, pharmacists, or physicians.

23 d. The fees for pharmacist-delivered medication
24 therapy management services shall be separate from
25 the reimbursement for prescription drug product or
26 dispensing services; shall be determined by each
27 third-party payment provider contract, policy, or plan;
28 and must be reasonable based on the resources and time
29 required to provide the service.

30 e. A fee shall be established for physician
31 reimbursement for services delivered for medication
32 therapy management as determined by each third-party
33 payment provider contract, policy, or plan, and must be
34 reasonable based on the resources and time required to
35 provide the service.

36 f. If any part of the medication therapy management
37 plan developed by a pharmacist incorporates services
38 which are outside the pharmacist's independent scope
39 of practice including the initiation of therapy,
40 modification of dosages, therapeutic interchange, or
41 changes in drug therapy, the express authorization
42 of the individual's physician or other appropriate
43 prescriber is required.

44 3. This section is repealed December 31, 2011.

45 Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES
46 — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE
47 TANK FUND. There is appropriated from the Iowa
48 comprehensive petroleum underground storage tank
49 fund created in section 455G.3 to the department of
50 administrative services for the fiscal year beginning

1 July 1, 2010, and ending June 30, 2011, the following
2 amount, or so much thereof as is necessary, to be used
3 for the purposes of this division, notwithstanding
4 section 455G.3, subsection 1:
5 \$ 543,000
6 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
7 of this Act, being deemed of immediate importance,
8 takes effect upon enactment.>
9 33. Page 46, after line 5 by inserting:
10 <DIVISION _____
11 IOWA COMPREHENSIVE PETROLEUM
12 UNDERGROUND STORAGE TANK FUND
13 Sec. _____. Section 455B.474, subsection 1, paragraph
14 d, subparagraph (2), unnumbered paragraph 1, Code
15 Supplement 2009, is amended to read as follows:
16 A site shall be classified as either high risk,
17 low risk, or no action required, as determined by a
18 certified groundwater professional.
19 Sec. _____. Section 455B.474, subsection 1, paragraph
20 d, subparagraph (2), subparagraph division (a),
21 unnumbered paragraph 1, Code Supplement 2009, is
22 amended to read as follows:
23 A site shall be considered high risk when ~~it is~~
24 ~~determined~~ a certified groundwater professional
25 determines that contamination from the site presents an
26 unreasonable risk to public health and safety or the
27 environment under any of the following conditions:
28 Sec. _____. Section 455B.474, subsection 1, paragraph
29 d, subparagraph (2), subparagraph division (b),
30 unnumbered paragraph 1, Code Supplement 2009, is
31 amended to read as follows:
32 A site shall be considered low risk ~~under any of~~
33 ~~the following conditions~~ when a certified groundwater
34 professional determines that low risk conditions exist
35 as follows:
36 Sec. _____. Section 455B.474, subsection 1, paragraph
37 d, subparagraph (2), subparagraph divisions (c) and
38 (e), Code Supplement 2009, are amended to read as
39 follows:
40 (c) A site shall be considered no action required
41 ~~if and a no further action certificate shall be~~
42 issued by the department when a certified groundwater
43 professional determines that contamination is below
44 action level standards and high or low risk conditions
45 do not exist and are not likely to occur.
46 (e) A site cleanup report which classifies a
47 site as either high risk, low risk, or no action
48 required shall be submitted by a groundwater
49 professional to the department with a certification
50 that the report complies with the provisions of this

1 chapter and rules adopted by the department. The
2 report shall be determinative of the appropriate
3 classification of the site. ~~However, if the report~~
4 ~~is found to be~~ and the site shall be classified as
5 indicated by the groundwater professional unless,
6 within ninety days of receipt by the department,
7 the department identifies material information in
8 the report that is inaccurate or incomplete, and
9 if based upon inaccurate or incomplete information
10 in the report the risk classification of the site
11 cannot be reasonably determined by the department
12 based upon industry standards, the department shall.
13 If the department determines that the site cleanup
14 report is inaccurate or incomplete, the department
15 shall notify the groundwater professional of the
16 inaccurate or incomplete information within ninety
17 days of receipt of the report and shall work with
18 the groundwater professional to obtain the correct
19 information or additional information necessary
20 to appropriately classify the site. However, from
21 July 1, 2010, through June 30, 2011, the department
22 shall have one hundred twenty days to notify the
23 certified groundwater professional when a report is
24 not accepted based on material information that is
25 found to be inaccurate or incomplete. A groundwater
26 professional who knowingly or intentionally makes a
27 false statement or misrepresentation which results in
28 a mistaken classification of a site shall be guilty of
29 a serious misdemeanor and shall have the groundwater
30 professional's certification revoked under this
31 section.

32 Sec. _____. Section 455B.474, subsection 1, paragraph
33 f, subparagraphs (5), (6), and (7), Code Supplement
34 2009, are amended to read as follows:

35 (5) A corrective action design report submitted by
36 a groundwater professional shall be accepted by the
37 department and shall be primarily relied upon by the
38 department to determine the corrective action response
39 requirements of the site. ~~However, if the corrective~~
40 ~~action design report is found to be within ninety days~~
41 ~~of receipt of a corrective action design report, the~~
42 ~~department identifies material information in the~~
43 ~~corrective action design report that is inaccurate or~~
44 ~~incomplete, and if based upon information in the report~~
45 ~~the appropriate corrective action response cannot be~~
46 ~~reasonably determined by the department based upon~~
47 ~~industry standards, the department shall notify the~~
48 ~~groundwater professional that the corrective action~~
49 ~~design report is not accepted, and the department~~
50 shall work with the groundwater professional to correct

1 the material information or to obtain the additional
2 information necessary to appropriately determine the
3 corrective action response requirements as soon as
4 practicable. However, from July 1, 2010, through June
5 30, 2011, the department shall have one hundred twenty
6 days to notify the certified groundwater professional
7 when a corrective action design report is not accepted
8 based on material information that is found to be
9 inaccurate or incomplete. A groundwater professional
10 who knowingly or intentionally makes a false statement
11 or misrepresentation which results in an improper or
12 incorrect corrective action response shall be guilty of
13 a serious misdemeanor and shall have the groundwater
14 professional's certification revoked under this
15 section.

16 (6) Low risk sites shall be monitored as deemed
17 necessary by the department consistent with industry
18 standards. Monitoring shall not be required on a site
19 which has received a no further action certificate.
20 A site that has maintained less than the applicable
21 target level for four consecutive sampling events shall
22 be reclassified as a no action required site regardless
23 of exit monitoring criteria and guidance.

24 (7) An owner or operator may elect to proceed with
25 additional corrective action on the site. However,
26 any action taken in addition to that required pursuant
27 to this paragraph "f" shall be solely at the expense
28 of the owner or operator and shall not be considered
29 corrective action for purposes of section 455G.9,
30 unless otherwise previously agreed to by the board
31 and the owner or operator pursuant to section 455G.9,
32 subsection 7. Corrective action taken by an owner or
33 operator due to the department's failure to meet the
34 time requirements provided in subparagraph (5), shall
35 be considered corrective action for purposes of section
36 455G.9.

37 Sec. _____. Section 455B.474, subsection 1, paragraph
38 h, subparagraphs (1) and (3), Code Supplement 2009, are
39 amended to read as follows:

40 (1) A no further action certificate shall be
41 issued by the department for a site which has been
42 classified as a no further action site or which
43 has been reclassified pursuant to completion of a
44 corrective action plan or monitoring plan to be a no
45 further action site by a groundwater professional,
46 unless within ninety days of receipt of the report
47 submitted by the groundwater professional classifying
48 the site, the department notifies the groundwater
49 professional that the report and site classification
50 are not accepted and the department identifies

1 material information in the report that is inaccurate
2 or incomplete which causes the department to be
3 unable to accept the classification of the site.
4 An owner or operator shall not be responsible for
5 additional assessment, monitoring, or corrective
6 action activities at a site that is issued a no further
7 action certificate unless it is determined that the
8 certificate was issued based upon false material
9 statements that were knowingly or intentionally made
10 by a groundwater professional and the false material
11 statements resulted in the incorrect classification of
12 the site.

13 (3) A certificate shall be recorded with the county
14 recorder. The owner or operator of a site who has been
15 issued a certificate under this paragraph "h" or a
16 subsequent purchaser of the site shall not be required
17 to perform further corrective action solely because
18 action standards are changed at a later date. A
19 certificate shall not prevent the department from
20 ordering corrective action of a new release.

21 Sec. _____. Section 455B.479, Code 2009, is amended
22 to read as follows:

23 **455B.479 Storage tank management fee.**

24 An owner or operator of an underground storage
25 tank shall pay an annual storage tank management fee
26 of sixty-five dollars per tank of over one thousand
27 one hundred gallons capacity. ~~Twenty-three percent~~
28 ~~of the~~ The fees collected shall be deposited in the
29 storage tank management account of the groundwater
30 protection fund. ~~Seventy-seven percent of the fees~~
31 ~~collected shall be deposited in the Iowa comprehensive~~
32 ~~petroleum underground storage tank fund created in~~
33 ~~chapter 455G.~~

34 Sec. _____. Section 455E.11, subsection 2, paragraph
35 d, Code Supplement 2009, is amended to read as follows:

36 d. A storage tank management account. All fees
37 collected pursuant to section 455B.473, subsection 5,
38 and section 455B.479, shall be deposited in the storage
39 tank management account, ~~except those moneys deposited~~
40 ~~into the Iowa comprehensive petroleum underground~~
41 ~~storage tank fund pursuant to section 455B.479. Funds.~~
42 Moneys deposited in the account shall be expended for
43 the following purposes:

44 (1) One thousand dollars is appropriated annually
45 to the Iowa department of public health to carry out
46 departmental duties under section 135.11, subsections
47 19 and 20, and section 139A.21.

48 (2) ~~Twenty-three percent of the proceeds of the~~
49 ~~fees imposed pursuant to section 455B.473, subsection~~
50 ~~5, and section 455B.479 shall be deposited in the~~

1 ~~account annually, up to a maximum of three hundred~~
2 ~~fifty thousand dollars. If twenty-three percent of the~~
3 ~~proceeds exceeds three hundred fifty thousand dollars,~~
4 ~~the excess shall be deposited into the fund created in~~
5 ~~section 455G.3. Three hundred fifty thousand dollars~~
6 ~~is~~ The moneys remaining in the account after the
7 appropriation in subparagraph (1) are appropriated from
8 the storage tank management account to the department
9 of natural resources for the administration of a state
10 storage tank program pursuant to chapter 455B, division
11 IV, part 8, and for programs which reduce the potential
12 for harm to the environment and the public health from
13 storage tanks.

14 (3) ~~The remaining funds in the account are~~
15 ~~appropriated annually to the Iowa comprehensive~~
16 ~~petroleum underground storage tank fund. Each fiscal~~
17 ~~year, the department of natural resources shall enter~~
18 ~~into an agreement with the Iowa comprehensive petroleum~~
19 ~~underground storage tank fund for the completion~~
20 ~~of administrative tasks during the fiscal year~~
21 ~~directly related to the evaluation and modification~~
22 ~~of risk based corrective action rules as necessary~~
23 ~~and processes that affect the administration in~~
24 ~~subparagraph (2).~~

25 Sec. _____. Section 455G.3, Code 2009, is amended by
26 adding the following new subsections:

27 NEW SUBSECTION. 6. For the fiscal year beginning
28 July 1, 2010, and each fiscal year thereafter, there
29 is appropriated from the Iowa comprehensive petroleum
30 underground storage tank fund to the department of
31 natural resources two hundred thousand dollars for
32 purposes of technical review support to be conducted
33 by nongovernmental entities for leaking underground
34 storage tank assessments.

35 NEW SUBSECTION. 7. For the fiscal year beginning
36 July 1, 2010, there is appropriated from the Iowa
37 comprehensive petroleum underground storage tank fund
38 to the department of natural resources one hundred
39 thousand dollars for purposes of database modifications
40 necessary to accept batched external data regarding
41 underground storage tank inspections conducted by
42 nongovernmental entities.

43 NEW SUBSECTION. 8. For the fiscal year beginning
44 July 1, 2010, and each fiscal year thereafter, there
45 is appropriated from the Iowa comprehensive petroleum
46 underground storage tank fund to the department of
47 agriculture and land stewardship two hundred fifty
48 thousand dollars for the sole and exclusive purpose
49 of inspecting fuel quality at pipeline terminals
50 and renewable fuel production facilities, including

1 salaries, support, maintenance, and miscellaneous
2 purposes.

3 NEW SUBSECTION. 9. Beginning September 1, 2010,
4 the board shall administer safety training, hazardous
5 material training, environmental training, and
6 underground storage tank operator training in the
7 state to be provided by an entity approved by the
8 department of natural resources. The training provided
9 pursuant to this subsection shall be available to any
10 tank operator in the state at an equal and reasonable
11 cost and shall not be conditioned upon any other
12 requirements. Each fiscal year, the board shall not
13 expend more than two hundred fifty thousand dollars
14 from the Iowa comprehensive petroleum underground
15 storage tank fund for purposes of administering this
16 subsection.

17 Sec. ____. Section 455G.4, subsection 1, paragraph
18 a, subparagraphs (3) and (5), Code Supplement 2009, are
19 amended to read as follows:

20 (3) ~~The commissioner of insurance, or the~~
21 ~~commissioner's designee. An employee of the department~~
22 ~~of management who has been designated as a risk manager~~
23 ~~by the director of the department of management.~~

24 (5) Two owners or operators appointed by the
25 governor. ~~One of the owners or operators appointed~~
26 ~~pursuant to this subparagraph shall have been a~~
27 ~~petroleum systems insured through the underground~~
28 ~~storage tank insurance fund as it existed on June 30,~~
29 ~~2004, or a successor to the underground storage tank~~
30 ~~insurance fund and shall have been an insured through~~
31 ~~the insurance account of the comprehensive petroleum~~
32 ~~underground storage tank fund on or before October~~
33 ~~26, 1990. One of the owners or operators appointed~~
34 ~~pursuant to this subparagraph shall be self-insured. as~~
35 ~~follows:~~

36 (a) One member shall be an owner or operator who is
37 self-insured.

38 (b) One member shall be a member of the petroleum
39 marketers and convenience stores of Iowa or its
40 designee.

41 Sec. ____. Section 455G.8, subsection 3, Code 2009,
42 is amended by striking the subsection.

43 Sec. ____. Section 455G.9, subsection 1, paragraphs
44 d, k, and l, Code 2009, are amended to read as follows:

45 d. One hundred percent of the costs of corrective
46 action and third-party liability for a release situated
47 on property acquired by a county for delinquent taxes
48 pursuant to chapters 445 through 448, for which a
49 responsible owner or operator able to pay, other
50 than the county, cannot be found. A county is not

1 a "responsible party" for a release in connection
2 with property which it acquires in connection with
3 delinquent taxes, and does not become a responsible
4 party by sale or transfer of property so acquired. In
5 such situations, the board may act as an agent for
6 the county. Actual corrective action on the site
7 shall be overseen by the department, the board, and
8 a certified groundwater professional. Third-party
9 liability specifically excludes any claim, cause of
10 action, or suit, for personal injury including, but
11 not limited to, loss of use or of private enjoyment,
12 mental anguish, false imprisonment, wrongful entry or
13 eviction, humiliation, discrimination, or malicious
14 prosecution. Reasonable acquisition costs do not
15 include any taxes or costs related to the collection
16 of taxes.

17 k. Pursuant to an agreement between the board and
18 the department of natural resources, assessment and
19 corrective action arising out of releases at sites for
20 which a no further action certificate has been issued
21 pursuant to section 455B.474, when the department
22 determines that an unreasonable risk to public health
23 and safety may still exist or that previously reported
24 upon applicable target levels have been exceeded. At
25 a minimum, the agreement shall address eligible costs,
26 contracting for services, and conditions under which
27 sites may be reevaluated.

28 l. Costs Up to fifteen thousand dollars for the
29 permanent closure of an underground storage tank
30 system that was in place on the date an eligible claim
31 was submitted under paragraph "a" that does not meet
32 performance standards for new or upgraded tanks or
33 is otherwise required to be closed pursuant to rules
34 adopted by the environmental protection commission
35 pursuant to section 455B.474. Reimbursement is limited
36 to costs approved by the board prior to the closure
37 activities.

38 Sec. _____. Section 455G.9, subsection 4, Code 2009,
39 is amended to read as follows:

40 4. *Minimum copayment schedule.*

41 a. An owner or operator shall be required to pay
42 the greater of five thousand dollars or eighteen
43 percent of the first eighty thousand dollars of the
44 total costs of corrective action for that release,
45 except for claims pursuant to section 455G.21, where
46 the claimant is not a responsible party or potentially
47 responsible party for the site for which the claim is
48 filed.

49 b. If a site's actual expenses exceed eighty
50 thousand dollars, the remedial account shall pay the

1 remainder, as required by federal regulations, of
2 the total costs of the corrective action for that
3 release, not to exceed one million dollars, except that
4 a county shall not be required to pay a copayment in
5 connection with a release situated on property acquired
6 in connection with delinquent taxes, as provided in
7 subsection 1, paragraph "d", unless subsequent to
8 acquisition the county actively operates a tank on the
9 property for purposes other than risk assessment, risk
10 management, or tank closure.

11 Sec. _____. Section 455G.9, subsection 7, Code 2009,
12 is amended to read as follows:

13 7. *Expenses of cleanup not required.* When an
14 owner or operator who is eligible for benefits under
15 this chapter is allowed by the department of natural
16 resources to monitor in place, the expenses incurred
17 for cleanup beyond the level required by the department
18 of natural resources ~~are not~~ may be covered under any
19 of the accounts established under the fund only if
20 approved by the board as cost-effective relative to
21 the department accepted monitoring plan or relative
22 to the repeal date specified in section 424.19. The
23 cleanup expenses incurred for work completed beyond
24 what is required is the responsibility of the person
25 contracting for the excess cleanup. The board shall
26 seek to terminate the responsible party's environmental
27 liabilities at such sites prior to the board ceasing
28 operation.

29 Sec. _____. Section 455G.9, subsection 10, Code 2009,
30 is amended to read as follows:

31 10. *Expenses incurred by governmental subdivisions*
32 *and public works utilities.* The board ~~may~~ shall adopt
33 rules for reimbursement for reasonable expenses
34 incurred by a governmental subdivision or public
35 works utility for sampling, treating, handling,
36 or disposing, as required by the department, of
37 petroleum-contaminated soil and groundwater encountered
38 in a public right-of-way during installation,
39 maintenance, or repair of a utility or public
40 improvement. The board may seek full recovery from
41 a responsible party liable for the release for such
42 expenses and for all other costs and reasonable
43 attorney fees and costs of litigation for which moneys
44 are expended by the fund. Any expense described in
45 this subsection incurred by the fund constitutes a lien
46 upon the property from which the release occurred.
47 A lien shall be recorded and an expense shall be
48 collected in the same manner as provided in section
49 424.11.

50 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

1 APPLICABILITY. The section of this division of this
2 Act amending section 455G.9, subsection 4, being deemed
3 of immediate importance, takes effect upon enactment
4 and applies retroactively to January 1, 2010.

5 DIVISION

6 BONDING AUTHORITY

7 Sec. _____. Section 455G.2, subsection 1, Code 2009,
8 is amended by striking the subsection.

9 Sec. _____. Section 455G.2, subsection 3, Code 2009,
10 is amended to read as follows:

11 3. "*Bond*" means a bond, note, or other obligation
12 issued by the authority treasurer of state for the fund
13 and the purposes of this chapter.

14 Sec. _____. Section 455G.3, subsection 2, Code 2009,
15 is amended to read as follows:

16 2. The board shall assist Iowa's owners and
17 operators of petroleum underground storage tanks in
18 complying with federal environmental protection agency
19 technical and financial responsibility regulations
20 by establishment of the Iowa comprehensive petroleum
21 underground storage tank fund. The authority treasurer
22 of state may issue its bonds, or series of bonds, to
23 assist the board, as provided in this chapter.

24 Sec. _____. Section 455G.6, subsections 7 through 9,
25 Code Supplement 2009, are amended to read as follows:

26 7. The board may contract with the
27 authority treasurer of state for the
28 authority treasurer of state to issue bonds and do
29 all things necessary with respect to the purposes
30 of the fund, as set out in the contract between the
31 board and the authority treasurer of state. The
32 board may delegate to the authority treasurer of
33 state and the authority treasurer of state shall
34 then have all of the powers of the board which are
35 necessary to issue and secure bonds and carry out the
36 purposes of the fund, to the extent provided in the
37 contract between the board and the authority treasurer
38 of state. The authority treasurer of state may
39 issue the authority's treasurer of state's bonds
40 in principal amounts which, in the opinion of the
41 board, are necessary to provide sufficient funds for
42 the fund, the payment of interest on the bonds, the
43 establishment of reserves to secure the bonds, the
44 costs of issuance of the bonds, other expenditures
45 of the authority treasurer of state incident to and
46 necessary or convenient to carry out the bond issue
47 for the fund, and all other expenditures of the board
48 necessary or convenient to administer the fund.
49 The bonds are investment securities and negotiable
50 instruments within the meaning of and for purposes of

1 the uniform commercial code, chapter 554.

2 8. Bonds issued under this section are payable
3 solely and only out of the moneys, assets, or revenues
4 of the fund, all of which may be deposited with
5 trustees or depositories in accordance with bond
6 or security documents and pledged by the board to
7 the payment thereof, and are not an indebtedness
8 of this state ~~or the authority~~, or a charge against
9 the general credit or general fund of the state ~~or~~
10 ~~the authority~~, and the state shall not be liable for
11 any financial undertakings with respect to the fund.
12 Bonds issued under this chapter shall contain on their
13 face a statement that the bonds do not constitute an
14 indebtedness of the state ~~or the authority~~.

15 9. The proceeds of bonds issued by the
16 ~~authority~~ treasurer of state and not required for
17 immediate disbursement may be deposited with a trustee
18 or depository as provided in the bond documents
19 and invested in any investment approved by the
20 ~~authority~~ treasurer of state and specified in the trust
21 indenture, resolution, or other instrument pursuant
22 to which the bonds are issued without regard to any
23 limitation otherwise provided by law.

24 Sec. _____. Section 455G.6, subsection 10, paragraph
25 b, Code Supplement 2009, is amended to read as follows:
26 b. Negotiable instruments under the laws of
27 the state and may be sold at prices, at public or
28 private sale, and in a manner, as prescribed by the
29 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A
30 and 75 do not apply to their sale or issuance of the
31 bonds.

32 Sec. _____. Section 455G.6, subsection 12, Code
33 Supplement 2009, is amended to read as follows:
34 12. Bonds must be authorized by a trust
35 indenture, resolution, or other instrument of the
36 ~~authority~~ treasurer of state, approved by the board.
37 However, a trust indenture, resolution, or other
38 instrument authorizing the issuance of bonds may
39 delegate to an officer of the issuer the power to
40 negotiate and fix the details of an issue of bonds.

41 Sec. _____. Section 455G.7, Code Supplement 2009, is
42 amended to read as follows:
43 **455G.7 Security for bonds — capital reserve fund —**
44 **irrevocable contracts.**

45 1. a. For the purpose of securing one or more
46 issues of bonds for the fund, the ~~authority~~ treasurer
47 of state, with the approval of the board, may authorize
48 the establishment of one or more special funds, called
49 "*capital reserve funds*". The ~~authority~~ treasurer
50 of state may pay into the capital reserve funds the

1 proceeds of the sale of its bonds and other money
2 which may be made available to the authority treasurer
3 of state from other sources for the purposes of the
4 capital reserve funds. Except as provided in this
5 section, money in a capital reserve fund shall be used
6 only as required for any of the following:
7 ~~a.~~ (1) The payment of the principal of and
8 interest on bonds or of the sinking fund payments with
9 respect to those bonds.
10 ~~b.~~ (2) The purchase or redemption of the bonds.
11 ~~c.~~ (3) The payment of a redemption premium
12 required to be paid when the bonds are redeemed before
13 maturity.
14 ~~b.~~ However, money in a capital reserve fund shall
15 not be withdrawn if the withdrawal would reduce the
16 amount in the capital reserve fund to less than the
17 capital reserve fund requirement, except for the
18 purpose of making payment, when due, of principal,
19 interest, redemption premiums on the bonds, and making
20 sinking fund payments when other money pledged to the
21 payment of the bonds is not available for the payments.
22 Income or interest earned by, or increment to, a
23 capital reserve fund from the investment of all or part
24 of the capital reserve fund may be transferred by the
25 authority treasurer of state to other accounts of the
26 fund if the transfer does not reduce the amount of the
27 capital reserve fund below the capital reserve fund
28 requirement.
29 2. If the authority treasurer of state decides
30 to issue bonds secured by a capital reserve fund,
31 the bonds shall not be issued if the amount in the
32 capital reserve fund is less than the capital reserve
33 fund requirement, unless at the time of issuance of
34 the bonds the authority treasurer of state deposits
35 in the capital reserve fund from the proceeds of the
36 bonds to be issued or from other sources, an amount
37 which, together with the amount then in the capital
38 reserve fund, is not less than the capital reserve fund
39 requirement.
40 3. In computing the amount of a capital reserve
41 fund for the purpose of this section, securities in
42 which all or a portion of the capital reserve fund
43 is invested shall be valued by a reasonable method
44 established by the authority treasurer of state.
45 Valuation shall include the amount of interest earned
46 or accrued as of the date of valuation.
47 4. In this section, "*capital reserve fund*
48 *requirement*" means the amount required to be on
49 deposit in the capital reserve fund as of the date of
50 computation.

1 5. To assure maintenance of the capital reserve
2 funds, the authority treasurer of state shall, on
3 or before July 1 of each calendar year, make and
4 deliver to the governor the authority's treasurer of
5 state's certificate stating the sum, if any, required
6 to restore each capital reserve fund to the capital
7 reserve fund requirement for that fund. Within
8 thirty days after the beginning of the session of the
9 general assembly next following the delivery of the
10 certificate, the governor may submit to both houses
11 printed copies of a budget including the sum, if any,
12 required to restore each capital reserve fund to the
13 capital reserve fund requirement for that fund. Any
14 sums appropriated by the general assembly and paid
15 to the authority treasurer of state pursuant to this
16 section shall be deposited in the applicable capital
17 reserve fund.

18 6. All amounts paid by the state pursuant to this
19 section shall be considered advances by the state and,
20 subject to the rights of the holders of any bonds of
21 the authority treasurer of state that have previously
22 been issued or will be issued, shall be repaid to the
23 state without interest from all available revenues of
24 the fund in excess of amounts required for the payment
25 of bonds of the authority treasurer of state, the
26 capital reserve fund, and operating expenses.

27 7. If any amount deposited in a capital reserve
28 fund is withdrawn for payment of principal, premium,
29 or interest on the bonds or sinking fund payments with
30 respect to bonds thus reducing the amount of that fund
31 to less than the capital reserve fund requirement, the
32 authority treasurer of state shall immediately notify
33 the governor and the general assembly of this event and
34 shall take steps to restore the capital reserve fund
35 to the capital reserve fund requirement for that fund
36 from any amounts designated as being available for such
37 purpose.

38 Sec. _____. Section 455G.8, subsection 2, Code 2009,
39 is amended to read as follows:

40 2. *Statutory allocations fund.* The moneys
41 credited from the statutory allocations fund under
42 section 321.145, subsection 2, paragraph "a", shall
43 be allocated, consistent with this chapter, among
44 the fund's accounts, for debt service and other fund
45 expenses, according to the fund budget, resolution,
46 trust agreement, or other instrument prepared or
47 entered into by the board or authority treasurer of
48 state under direction of the board.

49 Sec. _____. REPEAL. Section 16.151, Code 2009, is
50 repealed.

1 Sec. _____. REPEAL. 1989 Iowa Acts, chapter 131,
2 section 63, as amended by 2009 Iowa Acts, chapter 184,
3 section 39, is repealed.

4 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
5 of this Act, being deemed of immediate importance,
6 takes effect upon enactment.>

7 34. Page 46, after line 5 by inserting:

8 <DIVISION
9 UNEMPLOYMENT INSURANCE BENEFITS

10 Sec. _____. CASH RESERVE APPROPRIATION —
11 UNEMPLOYMENT TRUST FUND ACCOUNT.

12 1. On or before August 15, 2010, following the
13 computation date required pursuant to section 96.7,
14 subsection 2, paragraph "d", subparagraph (1),
15 unnumbered paragraph 1, as amended by this Act, and
16 upon the approval of the director of the department of
17 management, there is appropriated from the cash reserve
18 fund created in section 8.56 to the unemployment
19 trust fund account of the unemployment compensation
20 fund for the fiscal year beginning July 1, 2010, and
21 ending June 30, 2011, up to \$20 million. This loan is
22 contingent upon being necessary to reach contribution
23 rate table 3 rather than contribution rate table 2 for
24 calendar year 2011. Any moneys appropriated pursuant
25 to this subsection shall be considered a loan for the
26 payment of unemployment insurance benefits and the
27 repayment of such moneys to the cash reserve fund
28 shall occur pursuant to subsection 2. If the amount
29 necessary to prevent table 2 from being applied is more
30 than \$20 million, this section is repealed. Section
31 8.56, subsections 3 and 4, shall not apply to the
32 appropriation in this section.

33 2. Following the fiscal year beginning July 1,
34 2010, and ending June 30, 2011, the department of
35 workforce development, in coordination with the
36 department of management, shall develop a plan for the
37 transfer of an amount equal to the amount appropriated
38 pursuant to subsection 1 from the unemployment trust
39 fund account of the unemployment compensation fund to
40 the cash reserve fund without adversely impacting the
41 solvency of the unemployment trust fund account.

42 3. By December 1, 2011, the director of the
43 department of workforce development shall submit to
44 the general assembly, with the report required under
45 section 96.35, the director's recommendations regarding
46 the transfer of moneys as required under subsection 2.

47 Sec. _____. Section 96.7, subsection 2, paragraph
48 d, subparagraph (1), unnumbered paragraph 1, Code
49 Supplement 2009, is amended to read as follows:

50 The current reserve fund ratio is computed by

1 dividing the total funds available for payment of
2 benefits, on the computation date or on August 15
3 following the computation date if the total funds
4 available for payment of benefits is a higher amount
5 on August 15, by the total wages paid in covered
6 employment excluding reimbursable employment wages
7 during the first four calendar quarters of the five
8 calendar quarters immediately preceding the computation
9 date. However, in computing the current reserve fund
10 ratio the following amounts shall be added to the
11 total funds available for payment of benefits on the
12 following computation dates:>

13 35. Page 46, after line 5 by inserting:

14 <DIVISION _____
15 TERRACE HILL

16 Sec. _____. TERRACE HILL OPERATIONS — CASH RESERVE
17 FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There
18 is appropriated from the cash reserve fund created
19 in section 8.56 to the department of administrative
20 services for the fiscal year beginning July 1, 2010,
21 and ending June 30, 2011, the following amount, or
22 so much thereof as is necessary, to be used for the
23 purposes designated:

24 For salaries, support, maintenance, and
25 miscellaneous purposes necessary for the operation of
26 Terrace Hill:

27 \$ 168,494

28 Sec. _____. TERRACE HILL — GENERAL FUND —
29 DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
30 appropriated from the general fund of the state to
31 the department of administrative services for the
32 fiscal year beginning July 1, 2009, and ending June 30,
33 2010, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, and
36 miscellaneous purposes necessary for the operation
37 of Terrace Hill, and for not more than the following
38 full-time equivalent positions:

39 \$ 263,329

40 FTEs 6.38

41 Sec. _____. TERRACE HILL QUARTERS. The amount
42 appropriated from the general fund of the state to the
43 offices of the governor and the lieutenant governor
44 for Terrace Hill quarters pursuant to 2010 Iowa Acts,
45 Senate File 2367, for the fiscal year beginning July 1,
46 2010, and ending June 30, 2011, is reduced by \$263,329.
47 The number of full-time equivalent positions authorized
48 pursuant to 2010 Iowa Acts, Senate File 2367, for
49 purposes of Terrace Hill quarters for the fiscal year
50 beginning July 1, 2010, and ending June 30, 2011, is

1 reduced by 8.12 full-time equivalent positions.>
2 36. By renumbering, redesignating, and correcting
3 internal references as necessary.

ROBERT E. DVORSKY